

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	No. 1:15-cv-1231
-v-)	
)	Honorable Paul L. Maloney
CMS ENERGY CORPORATION, et al.,)	
Defendants.)	
_____)	

ORDER

The deadline for filing dispositive motions was April 20, 2018, and both sides filed motions for summary judgment. The April 20 deadline was the fourth different deadline for filing dispositive motions. The motions were initially due on April 15, 2017 (ECF No. 17), the deadline was extended to August 4, 2017 (ECF No. 37), then extended again to April 6, 2018 (ECF No. 54), and finally the deadlines were extended to April 20, 2018 (ECF No. 113).

In addition to filing a dispositive motion, Defendants have filed three non-dispositive motions concerning the dispositive motions.

First, Defendants have requested leave to exceed the page limitation for its dispositive motion. (ECF Nos. 115 and 131.) Defendants request that they be permitted to file a thirty-page brief in support, which would be five pages over limit of twenty-five pages contained in the Local Rules. Defendants have represented that Plaintiff does not oppose the motion. (ECF No. 132.)

Defendants' first motion for leave (ECF No. 115) is **DISMISSED AS MOOT**. Because Defendants did not file the proposed brief with their motion for leave, the Court directed Defendants to comply with the Local Rule. The proposed brief is attached to the second motion.

Defendant's second motion for leave to exceed page limits (ECF No. 131) is **GRANTED**. Plaintiff does not oppose the relief sought. The Clerk SHALL DOCKET the proposed brief (ECF No. 131-1) as the brief in support of Defendants' motion for summary judgment (ECF No. 124).

Second, Defendants filed a motion (ECF No. 136) to strike two of the three motions for summary judgment filed by Plaintiff. Defendants argue that Plaintiff's three motions are an attempt to work around the page limits. Defendants request the Court resolve the matter on an expedited basis. *See* W.D. Mich. LCivR 7.2(c).

While the Court appreciates Plaintiff's attempt to address discrete issues through different motions, the Court agrees with Defendants that filing the three motions appears to be an attempt to work around the page limitations for dispositive motions. Neither the Local Rules nor the Federal Rules address whether multiple dispositive motions for partial summary judgment may be filed. Asking permission would have been a better path than subsequently seeking forgiveness. The Court further agrees with Defendants that the situation created by Plaintiff's multiple motions leads to a waste of both party and judicial resources. The Court notes that at least one of Plaintiff's motions and part of other motions are cross-motions, meaning that Defendants have asked for summary judgment on the same issue.

Accordingly, Defendants' motion to strike (ECF No. 136) two of Plaintiff's three motions is **GRANTED**. Plaintiff's motion (ECF No. 127) and brief (ECF No. 128) and Plaintiff's motion (ECF No. 129) and brief (No. 130) are **STRICKEN**.

On its own, the Court will also **STRIKE** Plaintiff's motion (ECF No. 125) and brief (ECF No. 126).

Plaintiff may refile its motions as a single motion, with a single supporting brief. Plaintiff may use up to thirty-five pages for its brief. Plaintiff may refile its motion by Friday, May 11, 2018. Finally, because the stricken motions address, at least in part, issues raised in Defendants' motion, the Court encourages Plaintiff to consider the applicability of Rule 56(f).

IT IS SO ORDERED.

Date: April 27, 2018

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge